

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5663 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

SOMAN OSN OF KOCHUCHERAKHAN

Versus

STATE OF GUJARAT

Appearance:

MR MC BHATT for Petitioner

Ms MANISHA LAVKUMAR, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 18/08/1999

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner, who was then working as a Deputy Collector under the State Government, challenged the action of the State Government of withholding the increments of the petitioner on the ground that the petitioner had not passed the Gujarati language examination under the Rules called "Gujarat Government

Servants (Lower Standard & Higher Standard) Gujarati Language Examination Rules, 1972.

2. The learned counsel for the petitioner brings to the notice of Court the judgement dated 21.11.1998 rendered by this Court in a group of petitions being Special Civil Application No. 3581 of 1998 and cognate matters.

3. Having heard the learned counsel for the parties, this petition is disposed of with a direction that if the petitioner has not already passed the Gujarati language examination under the aforesaid Rules, the petitioner shall do so within a period of three years from today. If the petitioner does not pass the said examination within three years from today, the respondents shall be at liberty to recover the amount of increments which the petitioner has been getting on account of the interim order dated 13.11.1986 passed by this Court in the present petition at the time of admitting the petition.

The request of the learned counsel for the petitioner to provide for extension of the period after the expiry of three years is not granted, since the petitioner has already obtained the benefit of the interim stay for the last 13 years whereas the cases disposed of by the above judgment were pending for only 2 to 9 years.

4. The petition is accordingly disposed of in terms of the aforesaid direction.

August 18, 1999 (M.S. Shah, J.)
sundar/-